

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 56th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN ROBERT C. CLARK**, on March 22, 1999 at 8:00 A.M., in Room 312 - 1 Capitol.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Dan McGee, Vice Chairman (R)
Rep. Chris Ahner (R)
Rep. Shiell Anderson (R)
Rep. Paul Clark (D)
Rep. Aubyn A. Curtiss (R)
Rep. Bill Eggers (D)
Rep. Tom Facey (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Joan Hurdle (D)
Rep. Rick Jore (R)
Rep. Sam Kitzenberg (R)
Rep. Brad Molnar (R)
Rep. Mark Noennig (R)
Rep. Jim Shockley (R)
Rep. Loren Soft (R)
Rep. Carol Williams (D)
Rep. Cindy Younkin (R)

Members Excused: Rep. Diana Wyatt, Vice Chairman (D)

Members Absent: None.

Staff Present: John MacMaster, Legislative Branch
Pam Schindler, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 251, SB 372, SB 486,
3/15/1999

Executive Action: SB 326-Tabled, SB 232-Be
Concurred in as amended, SB
404-Be Concurred in, SB 416-Be
Concurred in as amended.

HEARING ON SB 251

Sponsor:

Senator Halligan presented SB 251.

{Tape : 1; Side : A; Approx. Time Counter : 32 - 54}

Proponents:

Joan Cassidy, Montana Addiction Services

{Tape : 1; Side : A; Approx. Time Counter : 54 - 130}

EXHIBIT (juh64a0

1)

Robert Throssell, Montana Magistrates Association

{Tape : 1; Side : A; Approx. Time Counter : 130 - 160}

Candace Payne, Rimrock Foundation

{Tape : 1; Side : A; Approx. Time Counter : 160 - 171}

Brenda Nordlund, Dept. of Justice

{Tape : 1; Side : A; Approx. Time Counter : 171 - 188}

Charles Brooks, DUI Task Force

{Tape : 1; Side : A; Approx. Time Counter : 188 - 207}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 207 - 412}

Closing by Sponsor:

Senator Halligan made closing statements.

{Tape : 1; Side : A; Approx. Time Counter : 412 - 451}

HEARING ON SB 372

Sponsor:

Senator Halligan presented SB 372.

{Tape : 1; Side : B; Approx. Time Counter : 0 - 37}

Proponents:

Kerry Newcomer, Child & Family Law Section of State Bar

{Tape : 1; Side : B; Approx. Time Counter : 37 - 108}

Mary Pippen, Montana Association of Clerks of District Court

{Tape : 1; Side : B; Approx. Time Counter : 108 - 115}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 115 - 178}

Closing by Sponsor:

Senator Halligan made closing statements.

{Tape : 1; Side : B; Approx. Time Counter : 178 - 186}

HEARING ON SB 486

Sponsor:

Senator Halligan presented SB 486.

{Tape : 1; Side : B; Approx. Time Counter : 186 - 285}

Proponents:

Kerry Newcomer, Child & Family Law Section of State Bar

{Tape : 1; Side : B; Approx. Time Counter : 285 - 330}

EXHIBIT (juh64a0

2)

EXHIBIT (juh64a0

3)

Betty Waddell, Montana Association of Churches

{Tape : 1; Side : B; Approx. Time Counter : 330 - 384}

Opponents:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 384 - 550}

{Tape : 2; Side : A; Approx. Time Counter : 0 - 247}

Closing by Sponsor:

Senator Halligan made closing statements.

{Tape : 2; Side : A; Approx. Time Counter : 247 - 267}

EXECUTIVE ACTION ON SB 404

Motion/Vote: REP. SHOCKLEY moved that SB 404 BE CONCURRED IN.
Motion carried 19-1 with Jore voting no.

{Tape : 2; Side : A; Approx. Time Counter : 267 - 374}

EXECUTIVE ACTION ON SB 416

Motion: REP. YOUNKIN moved that SB 416 BE CONCURRED IN.

Motion/Vote: REP. MOLNAR moved that SB 416 BE AMENDED. Motion carried unanimously.

Motion/Vote: REP. FACEY moved that SB 416 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 374 - 451}

EXECUTIVE ACTION ON SB 233

Motion: REP. AHNER moved that SB 232 BE CONCURRED IN.

Motion/Vote: REP. ANDERSON moved that SB 232 BE AMENDED. Motion carried 19-1 with McGee voting no.

Motion: REP. ANDERSON moved that SB 232 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. NOENNIG moved that SB 232 BE AMENDED. Motion carried unanimously.

EXHIBIT (juh64a0

4)

Motion/Vote: REP. ANDERSON moved that SB 232 BE CONCURRED IN AS AMENDED. Motion carried 12-8 with P. Clark, Curtiss, Eggers, Gallus, Gutsche, Hurdle, Williams, and Wyatt voting no.

{Tape : 2; Side : A; Approx. Time Counter : 451 - 550}

{Tape : 2; Side : B; Approx. Time Counter : 0 - 433}

EXECUTIVE ACTION ON SB 326

Motion: REP. FACEY moved that SB 326 BE CONCURRED IN.

Motion: REP. ANDERSON moved that SB 326 BE AMENDED.

Motion/Vote: REP. ANDERSON moved that SB 326 BE TABLED. Motion carried 12-7.

Rep. Wyatt absent, no proxy on this vote only.

{Tape : 2; Side : B; Approx. Time Counter : 433 - 550}

{Tape : 3; Side : A; Approx. Time Counter : 0 - 187}

EXECUTIVE ACTION ON SB 163

Motion: REP. YOUNKIN moved that SB 163 BE CONCURRED IN.

Motion/Vote: REP. YOUNKIN moved that SB 163 BE AMENDED. Motion carried unanimously.

EXHIBIT (juh64a0

5)

EXHIBIT (juh64a0

6)

EXHIBIT (juh64a0

7)

Motion: REP. YOUNKIN moved that SB 163 BE CONCURRED IN AS AMENDED.

Motion/Vote: REP. FACEY moved that SB 163 BE AMENDED. Motion carried unanimously.

Motion/Vote: REP. SHOCKLEY moved that SB 163 BE TABLED. Motion failed 9-11 with Ahner, Anderson, R. Clark, Curtiss, Facey, Gallus, Gutsche, Kitzenberg, Soft, Williams, and Wyatt voting no.

Motion: REP. YOUNKIN moved SB 163- POSTPONEMENT UNTIL TOMORROW; SO THAT REP. YOUNKIN COULD BE HERE AGAIN. POSTPONEMENT GRANTED AS HAD BEEN AGREED TO EARLIER.

{Tape : 3; Side : A; Approx. Time Counter : 187 - 550}

{Tape : 3; Side : B; Approx. Time Counter : 0 - 255}

Meeting adjourned.

ADJOURNMENT

Adjournment: 11:30 A.M.

REP. ROBERT C. CLARK, Chairman

PAM SCHINDLER, Secretary

RC/PS

EXHIBIT (juh64aad)